

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 15-foot wide portion of a 30-foot wide Drainage Easement located at 12100 Cypress Dr., Ft. Myers (Case No. VAC2006-00050).

2. WHAT ACTION ACCOMPLISHES: To remove and replace an old mobile home with a newer unit on the subject lot. The vacation of this easement will not alter existing drainage conditions and the easement is not necessary to accommodate any future drainage requirements.

3. MANAGEMENT RECOMMENDATION: Approve

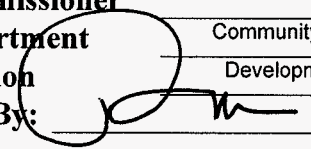
4. Departmental Category:
COMMISSION DISTRICT #: 3

9:30 PH3

5. Meeting Date: 02-20-2007

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
 Commissioner
 Department Community Development
 Division Development Services
 By:  1-9-07
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2006-00050 was submitted by Fred B. Towell, Trustee. JWP

LOCATION: The site is located at 12100 Cypress Dr., Ft. Myers, Florida 33908 and its strap number is 36-45-23-03-0000I.0350. Petition No. VAC2006-00050 proposes to vacate a 15-foot wide portion of a 30-foot wide Drainage Easement located on Lot 35, Block I, Iona Gardens, Section 36, Township 45 South, Range 23 East, as recorded in Plat Book 17, Page 72 of the Public Records of Lee County, Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate.


Attached to this Blue sheet is the Petition to Vacate, Notice of Public Hearing and Exhibits.


10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
M. Gibbs				John J. Redinger 1-12-07	1/19/07	1-17-07	1/17/07	1/17/07	1-18-07

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: 
1-16-07 12:45

COUNTY ADMIN.
FORWARDED TO: 
1/18 11:00
1/18 PR

Rec. by CoAtty
Date: 1/16/07
Time: 2:40 pm
Forwarded to:
Co. Admin.
1/16/07 2PM



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: December 28, 2006

To: Molly Schweers
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20061778

CASE NUMBER: VAC2006-00050

Applicable Public Noticing Requirement:

PTV under AC13-1

1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8

One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and John Fredyma, Assistant County Attorney (fredymjj@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2006-00050

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 20th of February 2007 @ 9:30 A.M. in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.



LEE COUNTY

CHARLIE GREEN, CLERK

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2006-00050
[Page One of One]

LEGAL DESCRIPTION:

A VACATION OF A PORTION OF A 30 FOOT DRAINAGE EASEMENT, LOCATED IN LOT 35, BLOCK I, IONA GARDENS, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 17, PAGE 72, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 35; THENCE WEST, ALONG THE SOUTH LINE OF LOT 35, 14.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ALONG SAID SOUTH LINE 15.10 FEET; THENCE NORTH 00° 09'00" WEST, 83.00 FEET TO THE REAR LINE OF SAID LOT 35; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 35, 16.50 FEET; THENCE SOUTH 00°49'00" WEST, 83.01 FEET TO THE POINT OF BEGINNING, CONTAINING 1311 FEET MORE OR LESS.

Bearings based on recorded plat.

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2006-00050

WHEREAS, Petitioner **Fred B. Towell, Sole Trustee of the Fred B. Towell Revocable Trust Agreement dated 1/12/1995** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2006-00050 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this _____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

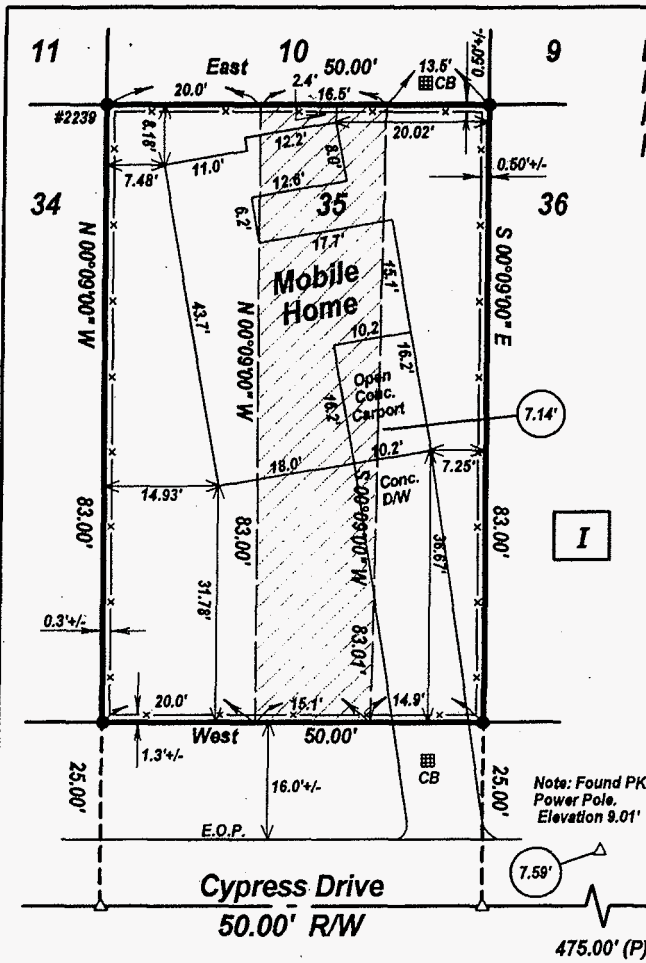
Exhibit "A"
Petition to Vacate
VAC2006-00050
[Page One of One]

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Bearings based on recorded plat.



Boundary, Location &
 NGVD Elevation Survey 08/04/06
 Revision of Legal Description 08/10/06
 Revision of Legal Description 12/06/06

Subject Property Located
 in FEMA Flood Zone A10 (19.0')
 Panel: 125124-0325-C
 Dated: 11/04/1992

PROPERTY ADDRESS:
 12100 Cypress Drive
 Fort Myers, FL 33908

CERTIFIED TO:
 Timothy Donnelly

LEGAL DESCRIPTION:

A VACATION OF A PORTION OF A 30 FOOT DRAINAGE EASEMENT, LOCATED IN LOT 35, BLOCK I, IONA GARDENS, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 17, PAGE 72, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
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NOTES:

- Description as furnished by Client. No search of the Public Records was conducted by this Firm.
- Elevations as shown are based on N.G.V.D. 1929 Datum unless otherwise stated.
- Bearings are based on Plat or Deed.
- Encroachments are based on Plat.
- There may be other easements not shown hereon recorded in the Public Record of Governing County.
- No Determination of Hazardous Waste Materials have been made by this Firm.
- Signor limits liability only up to the cost of the Survey.
- This Survey is protected by Copyright and All Rights Are Reserved.
- Not Valid without signature and Raised Seal.
- This Sketch Does Not Reflect or Determine Ownership. This Sketch is Not an ALTA/ACSM Land Title Survey. Photocopying Forbidden, Copyrighted Material.
- No copies shall be made without written Authorization. Possession of any such document is an offense against Intellectual Property as outlined within Chapter 815.04 & 815.045, Florida Statutes. Authorization by signed and sealed letter is required prior to possession of any Copyrighted documents. Failure to do so could result, if convicted, in a felony record.
- Survey valid for 90 days from last field update.

A.C.	= Air Conditioner	P	= Plat
B.M.	= Benchmark	P.C.	= Point of Curve
C	= Calculated	P.C.C.	= Point of Concentric Curve
C.B.	= Catch Basin	P.I.	= Point of Intersection
C.B.S.	= Conc. Block Structure	P.P.	= Power Pole
Conc.	= Concrete	P.R.C.	= Point of Reverse Curve
D	= Deed	P.T.	= Point of Tangent
D.E.	= Drainage Easement	P.U.E.	= Public Utility Easement
E.O.P.	= Edge of Pavement	R/W	= Right of Way
F.H.	= Fire Hydrant	S.W.	= Sidewalk
F.V.	= Fire Valve	T. PED	= Telephone Pedestal
Gar.	= Garage Floor	V.G.	= Valley Gutter
G.W.	= Guy Wire & Anchor	W.M.	= Water Meter
L.P.	= Light Pole		
M	= Measured	○	= 1/2" Iron Pin/Cap Set
Main	= Main Floor	●	= 1/2" Iron Rod Found
N.G.V.D.	= National Geodetic Vertical Datum (1929)	▲	= PK & Disk Set
- - -	= Centerline of RW	△	= PK & Disk Found
- x -	= Fence	■	= Conc. Monument Found
- v -	= Overhead Powerline	□	= 12" Hub & Tack

Exhibit "B"
 Petition to Vacate
 VAC2006-00050
 [Page One of One]

Date: 08/04/06
 Scale: 1" = 20'
 Job #: 18801
 R. L. SCHUMANN, RLS
 REGISTERED LAND SURVEYOR
 #2239 - STATE OF FLORIDA
 DATE OF SIGNATURE: 12/06/06

S & H Land Survey Company, Inc.
 4100 Center Pointe Dr., Suite 107
 Fort Myers, Florida 33916
 LB#: 1057
 Phone: (239) 481-2366
 Fax: (239) 481-2437



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2006 - 00050

Petitioner(s), FRED B. TOWELL, Trustee * requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

- 1. Petitioner(s) mailing address, 117 JEFFERSON ST, FT MYERS BCH, 33931
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

X [Signature]
Petitioner Signature

Petitioner Signature

FRED B. TOWELL, Trustee*
Printed Name Printed Name

*Sole Trustee of the Fred B. Towell Revocable Trust UA Dated 1-12-1995

NOTE: This is a legal document and is therefore not available in Word Perfect format.

VAC 2006 - 00050

Exhibit "A"
Petition to Vacate
VAC2006-00050
[Page One of One]

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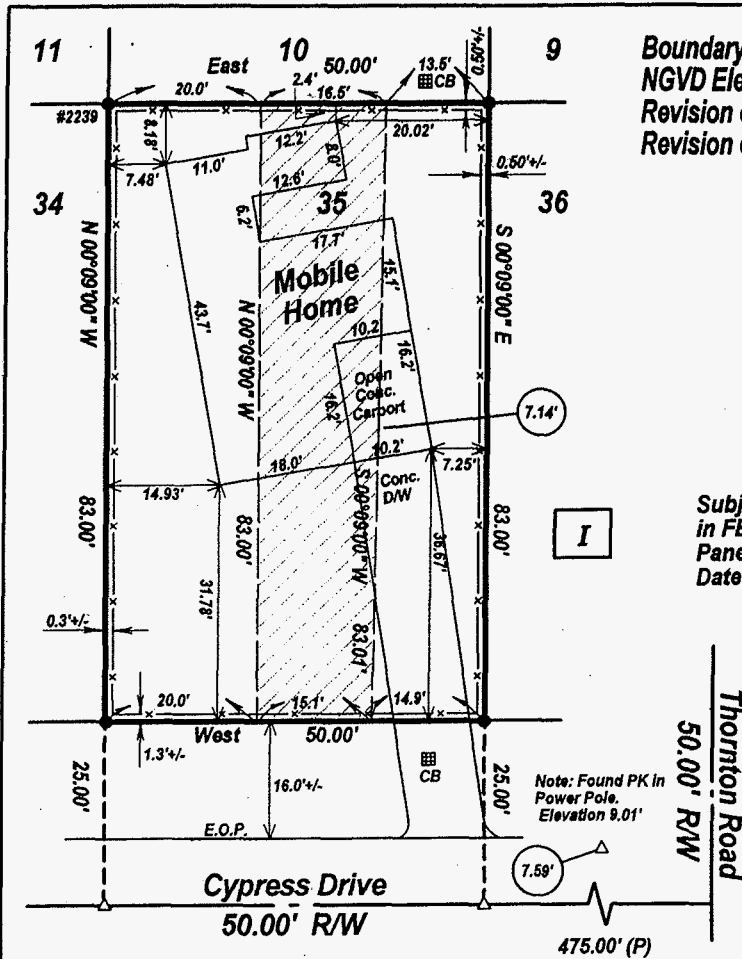
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08/04/06
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 12/06/06



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F.V.	= Fire Valve	T. PED	= Telephone Pedestal
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Main	= Main Floor	●	= 1/2" Iron Rod Found
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Exhibit "B"
 Petition to Vacate
 VAC2006-00050
 [Page One of One]

Date: 08/04/06

Scale: 1" = 20'


Job #: 18801

R. L. Schumann
 R. L. SCHUMANN, RLS
 REGISTERED LAND SURVEYOR
 #2239 - STATE OF FLORIDA

DATE OF SIGNATURE: 12/06/06

S & H Land Survey Company, Inc.
 4100 Center Pointe Dr., Suite 107
 Fort Myers, Florida 33916
 LB#: 1057
 Phone: (239) 481-2366
 Fax: (239) 481-2437

Exhibit "C"
Petition to Vacate
VAC2006-00050
 [Page One of One]

Real Property Information		
Account	Tax Year	Status
36-45-23-03-00001.0350	2006	PAID
Original Account	Instrument No	
36-45-23-03-00001.0350	2006000396053	
Owner		
TOWELL FRED B TR FOR FRED B TOWELL TRUST		
Physical Address	Mailing Address	
12100 CYPRESS DR FORT MYERS FL 33908	117 JEFFERSON ST FORT MYERS FL 33931 USA	
Legal Description		
IONA GARDENS BLK I PB 17 PG 72 LOT 35		
Outstanding Balance as of 12/4/2006		\$0.00

PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0360
TAX YEAR 2006 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number
| Display Tax Bills on this Parcel | **NEW!** Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

KLINE MARTHA
M +
ALBERTSON
JOHN W SR J/T
12070 CYPRESS
DR
FORT MYERS FL
33908

SITE ADDRESS

12090 CYPRESS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I
PB 17 PG 72 LT
36 + THE
WEST 1/2 OF LT
37

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

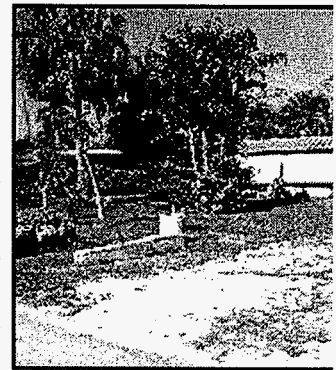


Photo Date: Februar

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

**PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0340
TAX YEAR 2006 FINAL**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel
| Display Tax Bills on this Parcel | **NEW!** Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

WALTER JAMES
12110 CYPRESS
DR
FORT MYERS FL
33905

SITE ADDRESS

12110 CYPRESS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I PB 17 PG
72
LOT 34

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

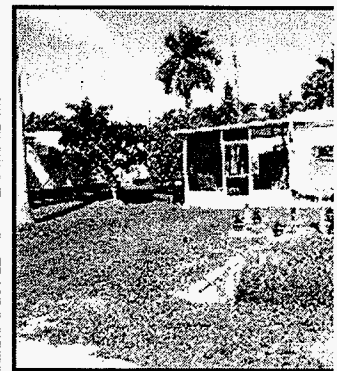
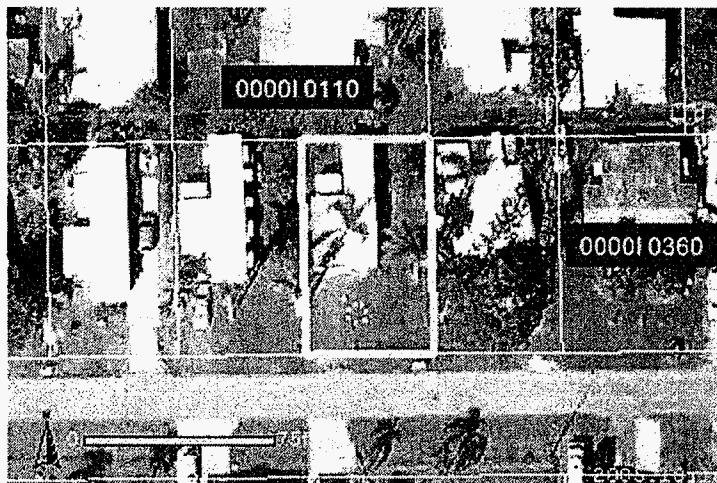


Photo Date: Februar

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX ROLL 2006)[NEW! HISTORY CHART]

EXEMPTIONS

ATTRIBUTES

JUST 59,570 **HOMESTEAD** 0 **UNITS OF MEASURE** **SF**

PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0380
TAX YEAR 2006 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel
| Display Tax Bills on this Parcel | **NEW!** Tax Estimator]

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PROPERTY DETAILS

OWNER OF RECORD

ALBERTSON
JOHN W
12070 CYPRESS
DR
FORT MYERS FL
33908

SITE ADDRESS

12070 CYPRESS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I
PB 17 PG 72 E
1/2 LT 37
+ ALL OF LT 38

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

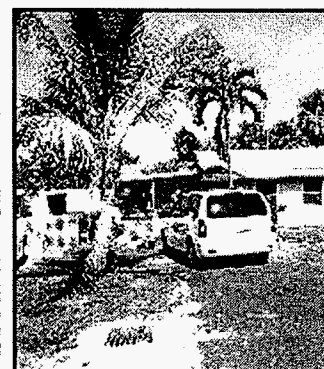


Photo Date: Februar

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX ROLL 2006)[NEW! HISTORY

EXEMPTIONS

ATTRIBUTES

PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0110
TAX YEAR 2006 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number
| Display Tax Bills on this Parcel | **NEW!** Tax Estimator]

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PROPERTY DETAILS

OWNER OF RECORD

REDWINE
EDWARD +
ARDELLA
11760 HONEY
WELL DR
CINCINNATI OH
45241

SITE ADDRESS

12111 CACTUS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I
PB 17 PG 72
LOTS 11 + 12

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

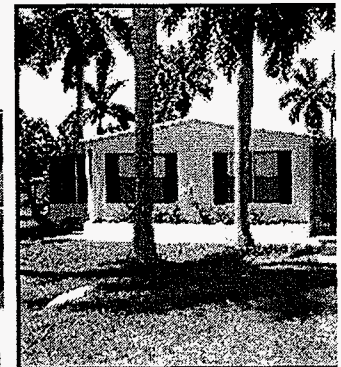


Photo Date: June

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

**PROPERTY VALUES (TAX
ROLL 2006)[NEW! HISTORY**

EXEMPTIONS

ATTRIBUTES

PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0090
TAX YEAR 2006 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel
| Display Tangible Accounts on this Parcel | Display Tax Bills on this Parcel | **NEW! Tax Estimator**]

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CARR LOUISE
J/T +
DICKENSHEETS
KIMBERLY
7171 BUCKNELL
DR
FORT MYERS FL
33908

SITE ADDRESS

12091 CACTUS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I PB 17 PG
72
LOT 9

[VIEWER] TAX MAP [PRINT]



IMAGE OF STRUC

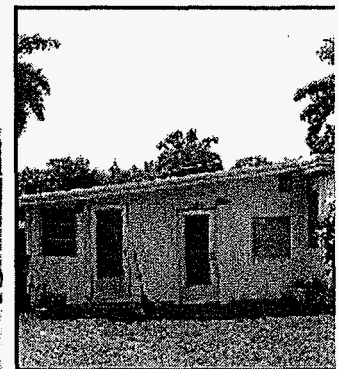


Photo Date: Februar

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX

PROPERTY DATA FOR PARCEL 36-45-23-03-00001.0100
TAX YEAR 2006 FINAL

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Final)]

[Next Lower Parcel Number | Next Higher Parcel Number
| Display Tax Bills on this Parcel | **NEW!** Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 FINAL ROLL.

PROPERTY DETAILS

OWNER OF RECORD

SISSON OMER
IRA +LOIS MARIE
TR
FOR OMER IRA
SISSON TRUST +

FOR LOIS MARIE
SISSON TRUST
4255 W 300 S
TRAFALGAR IN
46181

SITE ADDRESS

12101 CACTUS
DR
FORT
MYERS FL 33908

LEGAL DESCRIPTION

IONA GARDENS
BLK I PB 17 PG
72
LOT 10

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

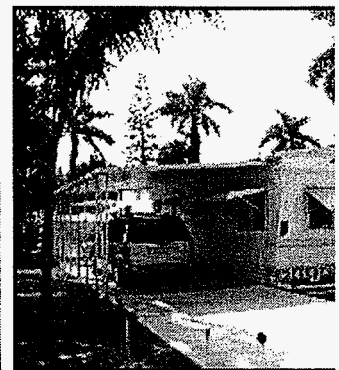
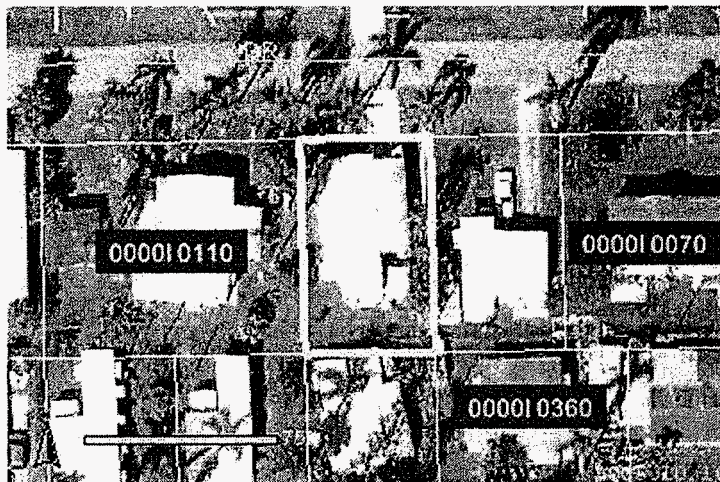


Photo Date: Februar

[PICTOMETRY]

TAXING DISTRICT

112 - IONA GARDENS LIGHT MSTU/IONA
MCGREGOR FIRE

DOR CODE

02 - MOBILE HOME

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>James W. Walter</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) JAMES W. WALTER</p> <p>C. Date of Delivery 8-17-06</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No P. O. BOX 19 Coburn, PA 16832</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to: JAMES WALTERS 12110 CYPRESS DR FT MYERS, FL. 33908	
2. Article Number (Transfer from service label)	7006 0100 0003 3916 1818
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Marty Klein</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to: JOHN ALBERTSON 12076 CYPRESS DR FT. MYERS, FL. 33908	<p><i>John Albertson</i></p>
2. Article Number (Transfer from service label)	7006 0100 0003 3916 1801
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>A. Redwine</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) A - REDWINE</p> <p>C. Date of Delivery 8-14-06</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
1. Article Addressed to: E + A. REDWINE 11760 HONEYWELL DR CINN., OHIO 45241	
2. Article Number (Transfer from service label)	7006 0100 0003 3916 1825
PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

K. DICKINS SHEETS
 7171 BUCKNELL DR.
 FT. MYERS, FL. 33908

2. Article Number 7006 0100 0003 3916 1795
 (Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 X *[Signature]* Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
 8/12
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OMER SISSON
 4255 W. 300 S.
 TRAFALGAR, IND. 46181

2. Article Number 7006 0100 0003 3916 1832
 (Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 X *[Signature]* Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
 8/14/06
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

PROOF OF NOTIFICATION

TO WHOM IT MAY CONCERN:

Dear Property Owner:

My name is Fred B. Towell, and I am purchasing the property located at 12100 Cypress Dr. , Fort Myers, Fl. 33908. My intention is to remove the present Mobile home on that property and replace it with a newer model. To do this, I am required by Lee County, with permission of the current owners of record to vacate a drainage easement on the property.

The present mobile home was a neighborhood eyesore, house of prostitution and crack house. By approval of this Vacation of Easement, I am removing the eyesore and upgrading the neighborhood.

This Vacation of Easement pertains only to Lot # 35 on Cypress Dr., Fort Myers , Fl. 33908

I appreciate your time and consideration on this.

Sincerely,

A handwritten signature in black ink that reads "Fred B. Towell". The signature is written in a cursive style and is positioned above a horizontal line.

If you have any questions, please feel free to call me 239-463-9102

RECEIVED

DEC 18 2006

VAC2006-00050

Prepared By and Return To:

Lois Conrad
Omnimark Title Services, LLC
1210 Del Prado S.
Cape Coral, Florida 33990

INSTR # 2006000396053, Pages 2
Doc Type D, Recorded 10/17/2006 at 09:57 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$350.00 Rec. Fee \$18.50
Deputy Clerk WMILLER
#1

File No. 06-220934

Property Appraiser's Parcel I.D. (folio) Number(s)

36-45-23-03-00001.0350

WARRANTY DEED

THIS WARRANTY DEED dated October 16, 2006, by Timothy Donnelly , a married man hereinafter called the grantor, to Fred B. Towell, Sole Trustee of The Fred B.Towell Revocable Trust Agreement dated 1/12/1995, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the real property pursuant to Florida Statute 689.071,, whose post office address is 117 Jefferson Street, Fort Myers Beach, FL 33931, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Lee County, Florida, viz:

Lot 35, Block " I ", Iona Gardens Subdivision, according to the plat thereof as recorded in Plat Book 17, Page 72, in the Public Records of Lee County, Florida. Including a 1952 Royc TV Manufactured Home Title # 8874789 ID# 9447 .

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor or any members of the household of Grantor reside thereon.

Subject to easements, restrictions, reservations and limitations of recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2005

RECEIVED

DEC 17 2006

VAC 2006-00050

WARRANTY DEED
(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Michelle Bayun
(Witness Signature)

Timothy Donnelly
Timothy Donnelly

Suzuki
(Witness Signature)

2610 Yellowstone Road
(Address)
Cinnaminson, NJ 08077
(Address)

State of New Jersey
County of Burlington

Sworn to, subscribed and acknowledged before me this 12 day of Oct 2006
by Timothy Donnelly, who are personally known to me or who have produced
NJ ID as identification.

Priscilla H Brosious
Notary Public
My Commission Expires:

PRISCILLA H. BROSIOUS
Notary Public State of New Jersey
My Commission Expires Sept. 1, 2008

BOX 738
OMNIMARK TITLE
FILE #

RECEIVED
DEC 11 2006

WAC 2006-00050

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

January 3, 2007

A. Brian Bigelow
District Two

Ray Judah
District Three

Fred B. Towell
117 Jefferson St.
Ft. Myers Beach, FL 33931

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

Re: VAC2006-00050 - Petition to vacate a 15-foot wide portion of a 30-foot Wide Drainage Easement located on Lot 35, Block I, Iona Gardens, S 36, T 45S, R 23E, as recorded in Plat Book 17, Page 72, in the Public Records of Lee County, Florida.

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Towell:

You have indicated that in order to legally remove and replace an old mobile home with a new unit, you desire to eliminate the west 15-foot of the 30-foot Drainage Easement located on Lot 35. The site is located at 12100 Cypress Dr., Ft. Myers, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/RXW

U:\200612\20061211.152\7261050\DCDLETTER.DOC

Date: December 4, 2006

To: Department of Community Development

1500 Monroe Street, 3rd Floor

Fort Myers, Fl. 33901-5500

From: Paula Towell (Representative)

Fred B. Towell (Owner)

5689 Estero Blvd.

Fort Myers Beach, FL. 33931

To Whom It May Concern:

We are requesting this partial vacation of easement, as per enclosed sketch, so that we can legally remove and replace the old mobile home with a new code worthy unit. This will certainly update the whole neighborhood. There will absolutely be no disturbance of the present drain pipe that runs lengthwise of the property. We have met and discussed the situation with Clay Simmons of DOT Operations at the lot site. He advised us to proceed with a partial Vacation of Easement on this property.

Respectfully,

Paula Towell and Fred B. Towell (owner)

VAC2006-00050

RECEIVED

DEC 11 2006



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8124

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Thursday, September 14, 2006

Ms. Paula Towell
AAIM Realty Group, Inc.
5689 Estero Boulevard
Fort Myers Beach, FL 33931

Re: Petition to Vacate a 30' (thirty foot) wide drainage easement located on Lot 35, Block 1, Iona Gardens Subdivision as recorded in Plat Book 17, Page 72, Public Records of Lee County, Florida.

Dear Ms. Towell:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject drainage easement.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

S:\SURFACE\DOCUMENT\vac572.doc

VAC 2006-00050

RECEIVED

DEC 11 2006

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 8, 2006

Ms. Paula Towell
AAIM Realty Group, Inc.
5689 Estero Boulevard
Fort Myers Beach, FL 33931-4198

**Re: Petition to Vacate—West 15 Foot Portion of the 30 Foot Drainage
Easement; 12100 Cypress Drive; STRAP No. 36-45-23-03-0000I.0350;
Fort Myers 33912**

Dear Ms. Towell:

Lee County Department of Transportation has reviewed the request to vacate the drainage easement at the above location.

Based on the resubmitted notification letter, sketch and description, DOT offers no objection to this vacation.

Very truly yours,



Margaret Lawson
Right-of-way Supervisor
Lee County Department of Transportation

ML/hc

cc: David Reycraft, Utilities
Ron Wilson, Development Services
Allan Davies, Natural Resources
DOT/PTV File (Cypress Drive)



Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

September 5, 2006

Century 21
AAIM Realty Group, Inc.
Fort Myers Beach Marketing Center
ATTN.: Paula Towell, Realtor
5689 Estero Boulevard
Fort Myers Beach, Florida 33931-4198

**RE: Vacation of a Public Interest in a 30 Foot Drainage Easement at 12100
Cypress Drive, Fort Myers, Lee County, Florida
Strap #36-45-23-03-00001.0350
PM Log# 06-99**

Dear Ms. Towell:

In response to your letter we received on August 16, 2006, our staff has conducted a review of your request to vacate the public interest in the subject area as marked and generally described as referenced above.

Based on this review, we "Defer to the County" this vacation request. If we can be of further assistance, please feel free to contact this office.

Sincerely,

Sylvia Petrosky
Right of Way Agent
Property Management

SAP/jps

cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Michael G. Rippe – FDOT
Thomas T. Garcia – FDOT
File, Daily File

VAC 2006-00050

RECEIVED

DEC 11 2006

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413*(863)519-5183(FAX)*MS 1-66

www.dot.state.fl.us



DESCRIPTION
 From the East 1/4 Corner of Section 36, Township 35 South, Range 20 East, T. 35 S., R. 20 E., through the east 1/4 of the Section 36 East, T. 35 S., R. 20 E.; thence southeasterly to the east 1/4 corner of Section 36 East, T. 35 S., R. 20 E.; thence southeasterly to the east 1/4 corner of Section 36 East, T. 35 S., R. 20 E.; thence southeasterly to the east 1/4 corner of Section 36 East, T. 35 S., R. 20 E.; thence southeasterly to the east 1/4 corner of Section 36 East, T. 35 S., R. 20 E.

DEDICATION
 JOHN ALL NEARBY THESE PRESENTS
 Paul J. Sherman and Louise Anna Sherman, his wife
 do hereby dedicate to the public use of the
 State of Florida the lands described herein and the
 public will accept, acquire, own, use and maintain them
 as a public highway.
 The undersigned hereby certifies that the
 above mentioned lands are owned by the
 said Paul J. Sherman and Louise Anna Sherman,
 his wife, and that they are duly
 qualified to make this dedication.

ACKNOWLEDGMENT
 I, Paul J. Sherman, do hereby certify that on this day before me, an officer duly authorized to perform
 notarial duties in and for the County of
 Duval, State of Florida, the within and
 above named Paul J. Sherman and Louise Anna
 Sherman, his wife, and her husband, Paul J.
 Sherman, appeared and their acknowledgments
 of the foregoing dedication and their acknowledgment
 that they received the same for the use and purpose
 herein stated, and they acknowledged to me
 that they had read and approved said dedication
 and they are the duly qualified owners of the
 same, and they are duly qualified to make the
 same, and they are duly qualified to make the
 same, and they are duly qualified to make the
 same.

Paul J. Sherman
 Notary Public, State of Florida, my
 commission expires December 31, 1962.

APPROVALS
 This plan approved this _____ day of _____, A.D. 1962, at a meeting of the Board of County Commissioners of Duval County, Florida.
Mayor
Commissioner

D. P. Ferrelle
 Clerk of the Board of County Commissioners, Duval County, Florida

NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

NOTARY CERTIFICATE
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D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

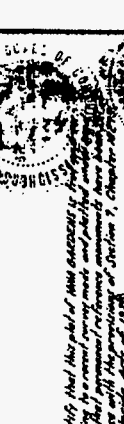
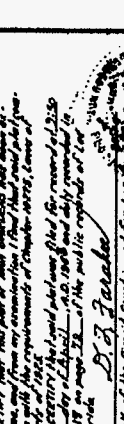
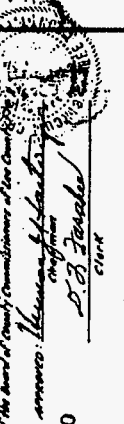
D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.

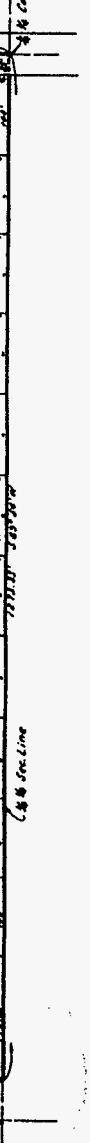
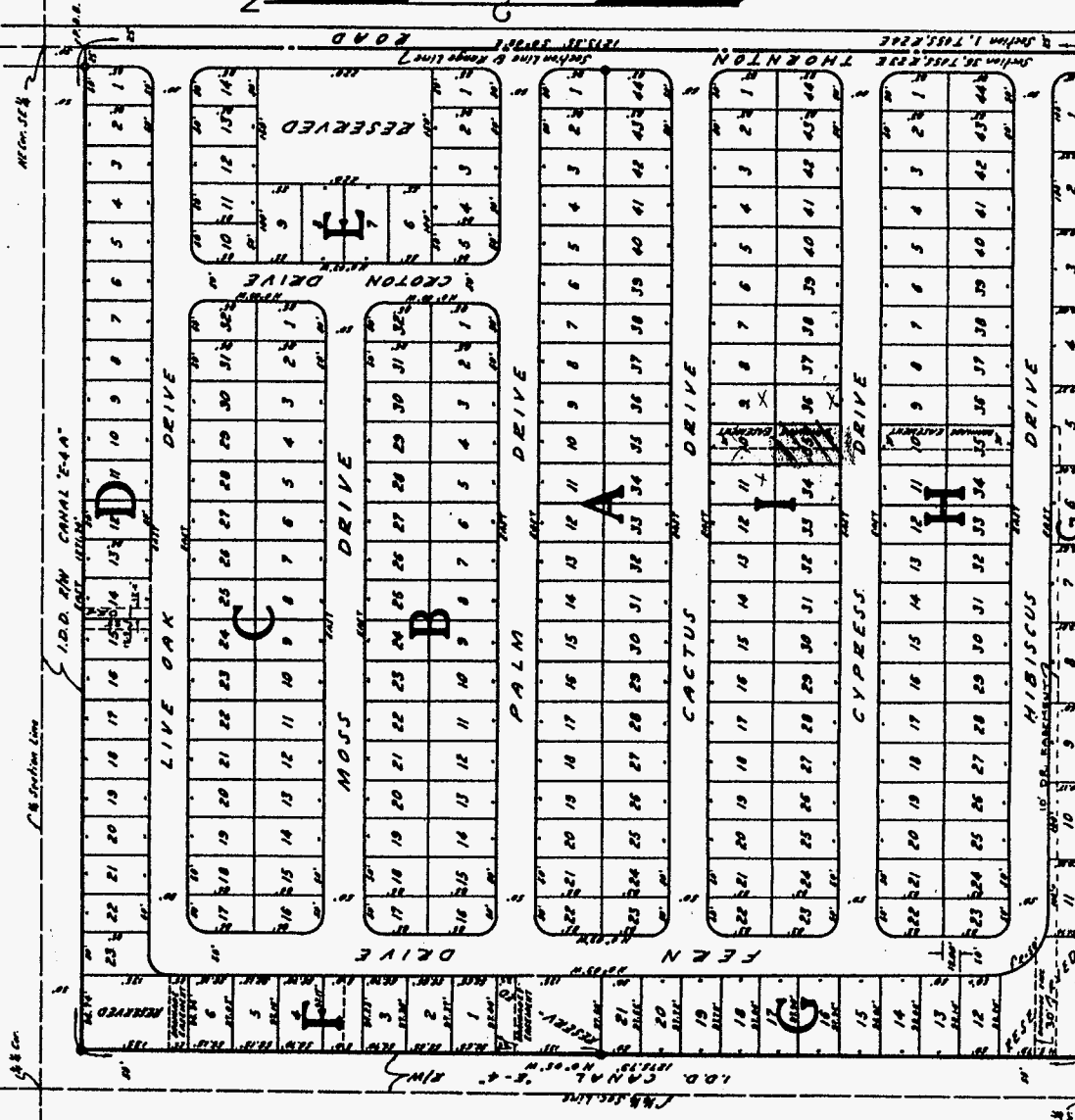
NOTARY CERTIFICATE
 I, D. P. Ferrelle, Notary Public for the State of Florida, do hereby certify that the within and above named Paul J. Sherman and Louise Anna Sherman, his wife, and her husband, Paul J. Sherman, appeared before me on the _____ day of _____, A.D. 1962, and they acknowledged to me that they had read and approved said dedication and they are the duly qualified owners of the same, and they are duly qualified to make the same, and they are duly qualified to make the same, and they are duly qualified to make the same.

D. P. Ferrelle
 Notary Public, State of Florida, my
 commission expires _____.



IONA CANYON
 A SUBDIVISION IN
 SECTION 36, T. 35 S., R. 23 E
 IONA, LEE COUNTY
 FLORIDA
 SCALE: 1"=100'
 MARCH 1962

NOTES:
 - indicates permanent reference monuments.
 - indicates temporary monuments.
 - indicates monuments on adjacent lots.
 - indicates monuments on adjacent roads.
 - indicates monuments on adjacent canals.



Lee County Engineer
Mark H. Powell
 County Attorney



- AREA TO BE VACATED